

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JOHN DOE, )  
                  )  
Plaintiff,     )                  4:10CV3004  
                  )  
v.                )  
                  )  
STATE OF NEBRASKA, et. al., )                  FINDINGS AND RECOMMENDATION  
                  )  
                  )  
Defendants.     )

The plaintiff did not participate in preparing the parties' Rule 26(f) Report for the remaining consolidated cases, (8:09CV00456; 4:09CV3266; 4:10CV03004; and 4:10CV03005), and upon further inquiry by the court, plaintiff's counsel stated his client intends to dismiss this case. The court therefore ordered:

- 1) On or before October 5, 2010, the plaintiff shall either file a motion for voluntary dismissal of this case, or show cause why his case should not be dismissed for want of prosecution.
- 2) In the absence of timely compliance with this order, this case may be dismissed without further notice.

Filing No. 46. The plaintiff has neither moved to dismiss nor explained why he has failed to pursue this case.

Accordingly,

IT IS RECOMMENDED to the Honorable Richard G. Kopf, United States District Judge, pursuant to 28 U.S.C. § 636(b), that plaintiff's complaint be dismissed for want of prosecution.

The parties are notified that failing to file an objection to this recommendation as provided in the local rules of this court may be held to be a waiver of any right to appeal the court's adoption of the recommendation.

October 14, 2010.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge